



# How to Ask the Court to Order a Wage Execution in a Special Civil Part Case

## Superior Court of New Jersey - Special Civil Part

### Who Should Use This Packet?

This wage execution application is a written request which asks the court to issue an order directing an employer to take money from the wages of a judgment-debtor who owes you money.

You may use this packet to apply to the court for a wage execution after a judgment has been entered against the judgment-debtor. In general, wage executions are not effective against judgment-debtors who are self-employed. (For someone who is self-employed, you may wish to enforce your judgment from assets such as their bank accounts and personal property.)

#### **General Requirements:**

1. When you file an application for a wage execution, you must file the following documents with the court.
  - Notice of Application for Wage Execution (Form A)
  - Certification in Support of Application for Wage Execution (Form B)
2. The Notice of Application for Wage Execution must be served either by certified mail and regular mail or you may serve the judgment-debtor personally. A copy of the Notice, the Certification and the proper fee must be filed with the court in the county where the judgment was entered within 45 days after you serve the judgment-debtor.
3. A judgment-debtor is allowed 13 days from the date of mailing of the judgment-creditor's notice to object to the entry of a wage execution, but the period is 10 days if the notice was served in person. A judgment-debtor can also object to the entry of a wage execution after it has been issued. If the judgment-debtor files an objection with the court, the Clerk of the Special Civil Part will schedule a hearing. If the order for a wage execution is issued, the execution will be assigned to a Special Civil Part Court Officer ("Court Officer") for collection. The Court Officer will serve the order on the judgment-debtor's employer who will then be required to deduct the amount specified in the order from the debtor's wages within 10 days of the first wage payment after receipt of the order. The judgment-debtor's employer may elect to deduct a 5% administrative fee for processing.

4. There is a fee for filing a wage execution application. The amount of the [fee](#) can be obtained from our website, [njcourts.gov](#) or by calling the Special Civil Part Clerk's Office in the county where you filed your action. In addition to the filing fee, there is a charge for mileage costs incurred by the Court Officer.
5. If the judgment-debtor already has a wage garnishment or wage execution on his salary at his/her place of employment, your requested wage execution cannot start until the prior wage is satisfied. Only one wage execution can be satisfied at a time.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary's Internet site [njcourts.gov](#). However, you are ultimately responsible for the content of your court papers.

**Completed forms are to be submitted to the Special Civil Part of the Superior Court in the county where your judgment was entered. A list of [Special Civil Part Offices](#) is provided at the customer counter or at [njcourts.gov](#).**

## Things to Think About Before You Represent Yourself in Court

### Try to Get a Lawyer

The court system can be confusing, and it is a good idea to get a lawyer if you can. If you cannot afford a lawyer, you may wish to contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found in your local yellow pages under Legal Aid or Legal Services.

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Their telephone number can also be found in your local yellow pages. Most county bar associations have a lawyer referral service. The lawyer referral service can supply you with the names of attorneys in your area who usually are willing to handle your particular type of case. Such attorneys are sometimes willing to consult with people in your situation at a reduced fee.

There are also a variety of organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your court staff for a list of lawyer referral services that include these organizations.

### What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help or attention from the court. The following is a list of some things court staff can and cannot do for you. Please read it carefully before asking court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.

- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

### Keep Copies of All Papers

Make and keep for yourself copies of all completed forms and any canceled checks, money orders, sales receipts, bills, contract estimates, letters, leases, photographs and other important documents that relate to your case. Bring all documents to court if you are notified that an appearance is necessary.

### Definitions of Words Used in This Packet

**Adversary:** - An *adversary* is a party whose interests are opposed to or opposite the interests of another party.

**Defendant:** - The *defendant* is the person (party) against whom the court action (complaint) was filed.

**Docket Number:** - The number the court assigned to this case when the complaint was filed. The *docket number* is listed on the complaint, answer and all pleadings relative to a particular case.

**Judgment:** - A *judgment* is the official decision of a court in a case.

**Judgment Creditor:** - The *judgment-creditor* is the party to whom money is owed.

**Judgment Debtor:** - The *judgment-debtor* is the party who owes money.

**Motion:** - A *motion* is a written request in which you ask the court to issue an order or to change an order it has already issued.

**Oral Argument:** - Personally appearing in court to explain what you want the court to do.

**Party:** - A *party* is a person, business or governmental agency involved in a court action.

**Plaintiff:** - The *plaintiff* is the person (party) who starts the court action by filing the complaint.

**Return Date:** - The *return date* is the date the parties are ordered to appear in court.

**Service:** - *Service* refers to the mailing or delivering copies of your papers to the lawyer for the other party or to the other party if there is no lawyer.

**Wage Execution:** - A *wage execution* is an order issued by a judge directing an employer to deduct money from a judgment-debtor's wages.

**The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ “x 11” white paper only. Forms may not be filed on a different size or color paper.**

## **Steps to File a Wage Execution in the Special Civil Part**

### **STEP 1: Fill out the *Notice of Application for Wage Execution* (Form A)**

The *Notice of Application for Wage Execution* tells the debtor that you are seeking an order from the court to deduct wages from the judgment-debtor's salary to satisfy the judgment.

### **STEP 2: Fill out the *Certification of Service* (Last Paragraph of Form A)**

The *Certification of Service* tells the court how you got the papers to the other party or parties and the date on which you did so.

### **STEP 3: Fill out the *Certification in Support of Application for Wage Execution* (Form B)**

The *Certification in Support of Application for Wage Execution* tells the court the amount of the judgment, the amount currently owed, the amount of interest and the judgment-debtor's employer's name and address.

### **STEP 4: Check your completed forms**

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed the forms where you are asked to sign them.

### **Checklist: You must have the following items:**

\_\_\_\_\_ *Notice of Application for Wage Execution*  
(Form A)

\_\_\_\_\_ *Certification in Support of Application for Wage Execution* (Form B)

\_\_\_\_\_ Make enough copies so that you will have at least one complete set for yourself and two complete sets for the judgment-debtor. If you choose to serve the judgment-debtor by mail, you must send one complete set by regular mail and one complete set by certified mail, return receipt requested.

### **STEP 5: Mail or deliver your set of completed forms to all other parties in the case and then to the court**

You can deliver or mail your original application for wage execution to the court. However, you must personally deliver or mail the application to all other parties in the case by regular mail and certified mail, return receipt requested. You will receive a green receipt card that can serve as proof that you mailed the *Notice of Application for Wage Execution* to the judgment-debtor. Your local post office can tell you how to send certified mail, return receipt requested.

**A copy of the Notice, the Certification and the proper fee must be filed with the court in the county where the judgment was entered within 45 days after you serve the judgment-debtor.**

### **STEP 6: Requesting oral argument**

Oral argument is only required when and if the judgment-debtor files an objection to your application. If no objection is received the court will not require oral argument. However, the judgment-debtor has a right to file an objection to the wage execution at any time. Once an objection is filed with the Special Civil Part Clerk's Office, a hearing will be scheduled as soon as possible.

### **STEP 7: Go to court if a hearing is scheduled**

The hearing notice will tell you where and when to go. Bring all documentation to court if you are notified that a hearing will be held.

- Make sufficient copies of the forms so that you will have two copies for the judgment-debtor (one for regular mail and one for certified mail) and one copy for yourself.
- Mail or deliver all of the original documents to the court (Form A & B). Note: Make certain that you have signed all forms in all places which require your signature
- Keep at least one copy of the completed application packet for your own records.
- Bring all documents to court if you are notified that a court appearance is required

## **Instructions for Completing Form A Notice of Application for Wage Execution**

- A. At the top left of the form, enter the plaintiff's (sometimes referred to as "judgment-creditor") name, address, and daytime phone number (if you are the plaintiff, enter your information). If you or the plaintiff are not an attorney, leave the *Attorney ID* field blank.
- B. On the line labeled *Plaintiff(s)*, enter the plaintiff's name.
- C. On the line labeled *Defendant(s)*, enter the name(s) of the defendants.
- D. On the line labeled *County*, enter the county where the case is filed.
- E. On the line labeled *Docket Number*, enter the docket number of your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
- F. To the right of *To*, enter the name of the judgment-debtor.
- G. To the right of *Address*, enter the current address of the judgment-debtor.
- H. In the first paragraph, after *above-named court located at*, enter the court address.
- I. In the space after *to be served on your employer*, enter the name and address of the debtor's employer.
- J. In the **Certification of Service** section, enter the judgment-debtor's name in the space following the words *judgment-debtor*.
- K. Date and sign the form.

## Form A

**NOTICE:** This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

### Plaintiff or Filing Attorney Information:

Name \_\_\_\_\_  
NJ Attorney ID Number \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone Number \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant(s).

Superior Court of New Jersey  
Law Division, Special Civil Part  
\_\_\_\_\_ County

Docket No: \_\_\_\_\_  
Civil Action

### Notice of Application for Wage Execution

**To:** \_\_\_\_\_  
Name of Judgment-Debtor  
Address \_\_\_\_\_  
\_\_\_\_\_

**TAKE NOTICE** that an application is being made by the judgment-creditor to the above-named court, located at \_\_\_\_\_, New Jersey for a Wage Execution Order to issue against your salary, to be served on your employer, \_\_\_\_\_, (name and address of employer), for: (a) 10% of your gross salary when the same shall equal or exceed the amount of \$217.50 per week; or (b) 25% of your disposable earnings for that week; or (c) the amount, if any, by which your disposable weekly earnings exceed \$217.50, whichever shall be the least. Disposable earnings are defined as that portion of the earnings remaining after the deduction from the gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are \$217.50 or less, if paid weekly, or \$435.00 or less, if paid every two weeks, or \$471.25 or less, if paid twice per month, or \$942.50, or less, if paid monthly then no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against your wages shall be satisfied at a time. Your employer may not discharge, discipline or discriminate against you because your earnings have been subjected to garnishment.

You may notify the Clerk of the Court and the attorneys for the judgment- creditor, whose address appears above, in writing, within ten days after service of this notice upon you, why such an Order should not be issued, and thereafter the application for the Order will be set down for a hearing of which you will receive notice of the date, time and place.

If you do not notify the Clerk of the Court and the judgment-creditor's attorney, or the judgment-creditor if there is no attorney, in writing of your objection, you will receive no further notice and the Order will be signed by the Judge as a matter of course.

You also have a continuing right to object to the wage execution or apply for a reduction in the amount withheld even *after* it has been issued by the Court. To object or apply for a reduction, file a written statement of your objection or reasons for a reduction with the Clerk of the Court and send a copy to the creditor's attorney or directly to the creditor if there is no attorney. You will be entitled to a hearing within 7 days after you file your objection or application for a reduction.

### Certification of Service

I served the within Notice upon the judgment-debtor, \_\_\_\_\_, on this date by sending it simultaneously by regular and certified mail, return receipt requested, to the judgment-debtor's last known address, set forth above. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to the punishment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Judgment-Creditor or Judgment-Creditor Pro Se

## Instructions for Completing Form B Certification in Support of Application for Wage Execution

- A. At the top left of the form, enter the plaintiff's (sometimes referred to as "judgment-creditor") name, address, and daytime phone number (if you are the plaintiff, enter your information). If you or the plaintiff are not an attorney, leave the *Attorney ID* field blank.
- B. On the line labeled *Plaintiff(s)*, enter the plaintiff's name.
- C. On the line labeled *Defendant(s)*, enter the name(s) of the defendants.
- D. On the line labeled *County*, enter the county where the case is filed.
- E. On the line labeled *Docket Number*, enter the docket number of your case. (You can get this number from the Complaint or Answer you received in the case, or, if necessary, you can call the court for this information.)
- F. To the right of *To*, enter the name of the judgment-debtor.
- G. To the right of *Address*, enter the current address of the judgment-debtor.
- H. For item #1, enter the judgment-creditor's name on the line following *I, \_\_\_\_\_*. In the same sentence, enter the judgment amount in the space provided after the words *judgment-debtor*.
- I. For item #2, in the space following *There is still due on said judgment*, enter the judgment amount **minus any payments you may have received** on behalf of the judgment-debtor toward this debt.  
  
In the space following *plus interest of \$*, enter the amount of post-judgment interest due and owing. The post-judgment interest rate is published in the Court Rules (see Publisher's Note under *Rule 4:42-11*) and on the Judiciary's Internet site [njcourts.gov](http://njcourts.gov).  
  
In the space following *making a total of*, enter the total of the amount due and interest due (first and second entries in item #2)
- J. For item #3, in the space after *employed by*, enter the employer's name. In the same sentence, enter the employer's address in the space following *located at*.
- K. Date and sign the form.



**Form B**

**Plaintiff or Filing Attorney Information:**

Name \_\_\_\_\_  
NJ Attorney ID Number \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

Superior Court of New Jersey  
Law Division, Special Civil Part

\_\_\_\_\_ County

Docket No: \_\_\_\_\_

Civil Action

**Certification in Support of  
Application for Wage Execution**

\_\_\_\_\_,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant(s).

**To:** \_\_\_\_\_  
Name of Judgment-Debtor  
Address \_\_\_\_\_  
\_\_\_\_\_

1. I, \_\_\_\_\_, the judgment-creditor, recovered judgment against the judgment-debtor for \$\_\_\_\_\_.
2. There is still due on said judgment \$\_\_\_\_\_, plus interest of \$\_\_\_\_\_, making a total of \$\_\_\_\_\_, besides costs. The judgment-debtor is to pay all court officer fees and post judgment interest.
3. The said judgment-debtor is employed by \_\_\_\_\_, located at \_\_\_\_\_.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature